WPMB No. 868/2002

Hon. P.C. Verma, J.
Hon'ble M.M. Ghildiyal, J.

Heard Sri Lok Pal Singh learned counsel for the petitioners and learned Standing Counsel.

This writ petition has been directed to command the respondents not to remove the petitoiners' temporary constructions which they gave admittedly built up over the Nala. The petitioners could not show as to under what authority they have raised the temporary constructions.

The constructions are obstructing free flow of water in the Nala. Admittedly, the petitioners have made unauthorized encroachment over the Nala, which is a Nazul land. Under the Municipal Act, it is the duty of the municipality to see that there is no encroachment over the Nazul land within the area of municipality. Therefore, the action taken by the municipal authorities is in accordance with the provisions of the Municipalities Act. We do not find any merit in the writ petition.

The petition is dismissed accordingly.

(M.M. Ghildiyal, J.) (P.C. Verma, J.)

Dt. 11.12.2002
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